

PROCEEDINGS OF THE STURGIS CITY COUNCIL

The Common Council of the City of Sturgis met in regular session starting at 5.00 p.m. on Monday, March 3, 2014 at the Erskine Building. Present: Mayor Mark Carstensen, Alderpersons Jason Anderson, Mike Bachand, Branden Bestgen, Marcia Johnston, Tim Potts, Kelly Vasknetz (arrived at 6:24 pm), and Ronald Waterland (arrived at 6:21 pm). Also present: City Manager Daniel Ainslie and City Attorney Greg Barnier. Absent: David Hersrud.

Motion by Potts, second by Johnston and carried with all members present voting yes to approve the agenda.

After discussion, a motion was made by Bachand, second by Johnston with all members present voting yes to prioritize the following Ordinance Titles: 1. Title 7 – City Government; 2. Title 3 - Special Events License; 3. Title 30 – Beautification and Signs; 4. Title 24 - Economic Loan Ordinance; 5. Title 18 – Zoning; 6. Title 15- Snow Removal Management, Road Designation; 7. Title 39 –International Property Maintenance Code and Rental Inspection.

A power point presentation was given by City Manager Ainslie discussing Sturgis sales tax and Industry comparisons with Spearfish, Madison and the State of South Dakota as a whole. This power point presentation will be on the City's website.

Discussion was held on the Revolving Loan Fund and if a certain retail sector should be targeted with loans from this fund and if part of that money should be funneled through SEDC and have the loans administrated by SEDC. The Council could set up a specific loan program for SEDC, setting parameters and having a clear expectation of these loans. Councilor Bestgen would like to have SEDC administer some of the money from this fund. Councilor Potts would like to consider this at the next meeting.

A discussion was held on conditional uses and variances and how the Planning and Zoning Board makes the decision to approve these requests and how the Council guides the Planning and Zoning Board on these decisions. A decision needs to be made on how strict we want to be on granting these requests. Councilor Bachand would like to have help from professionals that understand variances and conditional uses and how they will affect the City in later years. Councilor Potts, Bestgen and Waterland and Mayor Carstensen want to stay with what we have now.

Mayor Mark Carstensen led everyone in the Pledge of Allegiance.

Announcements:

- Paige McPherson received a silver medal at the US Open for Tae Kwon Do.
- Mike Paris, Sturgis High School Athletic Director, was presented the SDHSAA 2013-2014 Distinguished Service Award.

City Manager Ainslie reported:

- Sales tax update for the end of February-General Sales Tax and Capital Improvement Tax was up 12.5% and the Gross Receipts Tax (triple B) was up 51.6 % compared to last year.
- With the changes that were made to the cable franchise fee ordinance, we are seeing a 121% increase in the franchise fee.
- We have received an AA- bond rating from S & P. This was an increase from the last rating of A.

- The City received their first FEMA check from the State.

Motion by Johnston, second by Bestgen and carried with all members present voting yes to approve the following items on the consent calendar:

1. Consider approval of the minutes from the February 18, 2014 regular council meeting.

Motion by Potts, second by Waterland and carried with Anderson, Bachand, Bestgen, Johnston, Potts, Waterland and Vasknetz voting yes, Carstensen abstaining, to approve the following claims:

Wages – Ambulance \$26,699.09; Attorney \$3685.10; Auditorium \$276.62; Buildings \$1669.85; Cemetery \$2620.55; City Manager \$5425.88; Community Center \$10,645.34; Finance Office \$11,305.49; Fire Department \$1667.42; Human Resource \$2772.61; Library \$10,581.37; Liquor \$5062.62; Mayor and Council \$3391.63; Parks \$14,457.41; Planning & Permitting \$4584.42; Police \$42,783.87; Rally \$7889.22; Recreation \$3755.69; Sanitary Service \$15,006.09; Streets \$10,668.01; Wastewater \$9247.89; Water \$18,160.39; Federal Withholding \$18,832.03; FICA \$15,559.71.

General – A&B Business, \$97.86, repair; Affiliated Computer Services, \$735.00, other; Allegiant Emergency Services, \$699.80, supp; Amazon, \$69.99, supp; Amcon Distributing, \$445.91, merch for resale; American Legal Services, \$50.68, prof fee; Gary Anderson, \$335.00, grp insur; Baker & Taylor, \$382.56, supp; Best Western of Huron, \$85.00, travel; BH Power, \$3215.64, util; Border States Electric, \$155.40, repair; Jerry Burnham, \$2500.00, prof fee; Cabela's Rapid City Retail, \$1399.60, other; Chain Saw Center, \$545.50, repair; Clark Printing, \$143.35, supp; Kathy Dykstra, \$50.60, travel; Epic Outdoor Advertising, \$1075.00, supp; Foothills Seed, \$731.30, supp; G&G Enterprises, \$110.00, supp; Grey House Publishing, \$307.50, supp; Grocery Mart, \$62.78, other; Hills Interiors, \$861.91, furniture; Hills Materials, \$3035.63, supp; International Code Council, \$150.00, prof fee; Loud American, \$124.00, other; Midcontinent Communications, \$42.24, util; Neve's Uniforms, \$684.85, supp; Office Depot, \$24.74, supp; Pete Lien & Sons, \$4.24, supp; Petty Cash, \$8.05, supp; Pitney Bowes, \$120.56, rent; Pizza Hut, \$55.98, other; Power House, \$27.98, supp; Print Mark-et, \$996.82, publ; Purchase Power, \$400.00, supp; Rasmussen Mechanical Services, \$242.60, repair; Rushmore Office, \$21.29, supp; S&C Cleaning, \$3100.00, maint; Schwans, \$9.84, merch for resale; SD Dept of Transportation, \$924.00, supp; SD Federal Property Agency, \$78.25, supp; SD State Historical Society, \$35.00, supp; Sheehan Mack Sales, \$88.34, repair; Jeanie Shyne, \$23.10, travel; Sturgis Motorcycle Museum, \$900.00, publ-rally; Sturgis Motorsports, \$223.97, supp; Subway, \$52.00, other; Tasc-Client Invoices, \$1270.53, grp insur; Weimer's Diner, \$63.50, supp; Wimactel, \$60.00, util; Wow! Business, \$287.04, util.

Special Sales Tax – BH Power, \$115.69, Chamber of Commerce, \$8750.00, chamber; Sturgis Economic Development, \$7541.67, ind dev.

Capital Improvement – Baseline Surveying, \$130.00, bldg; ESRI, \$1900.00, other; Nustep, \$4793.00, equip; Sturgis Economic Development, \$1500.00, improve.

Equipment Replacement Fund – Scott Peterson Motors, \$30,355.00, equip.

Liquor – Cask & Cork, \$229.00, off sale liquor; Eagle Sales, \$14,004.84, off sale beer; Fisher Beverage, \$10,647.92, off sale beer; Johnson Western Wholesale, \$28,860.47, off sale liquor; Prairie Berry, \$1104.00, off sale liquor; Print Mark-et, \$66.46, publ; Republic Beverage Co, \$12,464.78, off sale liquor; Schade Vineyard, \$120.00, off sale liquor; Tasc-Client Invoices, \$45.90, grp insur; Wow! Business, \$4.31, util.

Water – Gary Anderson, \$165.00, grp insur; BH Power, \$7378.20, util; Tamera Even, \$500.00, grp insur; MDU, \$23.02, util; Print Mark-et, \$66.46, publ; Tasc-Client Invoices, \$153.12, grp insur; Wow! Business, \$.07, util.

Wastewater – BH Power, \$2400.01, util; Flexible Pipe Tool, \$321.50, repair; Print Mark-et, \$66.46, publ; Tasc-Client Invoices, \$76.59, grp insur.

Sanitary Service – BH Power, \$415.02, util; Century Business Products, \$103.40, prof fee; Century Link, \$54.45, util; Northern Truck Equip, \$167.64, supp; Print Mark-et, \$66.46, publ; Safety Vision, \$386.20, repair; Sanitation Products, \$358.84, repair; SDSWMA, \$250.00, travel; Superior Diesel, \$1069.73, repair; Tasc-Client Invoices, \$168.39, grp insur.

Ambulance – BH Power, \$738.11, util; Print Mark-et, \$66.46, publ; Purchase Power, \$256.84, supp; SDEMS, \$90.00, travel; Sheri Spring, \$15.89, supp; Tasc-Client Invoices, \$244.65, grp insur; Wow! Business, \$1.07, util.

Motion by Waterland, second by Johnston and carried with all members present voting yes to table the Use on Review for Chris Kubes at 1905 Park Ave to replace a car port roof to the March 17, 2014 meeting.

Motion by Bestgen, second by Anderson and carried with all members present voting yes to approve the following payroll changes: Ambulance Dept – Paramedic – Kristie Escott - \$17 (\$15 until orientation complete). Police Dept – Sergeant – Sean Briscoe - \$23.15; Patrol Officer – Tyrone Lee - \$18.69. Streets Dept – Equipment Operator – Russell Abernathy - \$12.87; Maintenance Operator (Buildings & Community Center) – TBD - \$12.87. Sanitation Dept – Recycling Operator – Daniel Tammi - \$12.87. Liquor Dept – Sales Clerk – Georgina Phillips - \$8.00. Finance Dept – Transfer from Water to Finance - Billing Clerk – Kathy Bulah – No change; Accounting & Billing Coord – Elaine Rix-Wolken - \$2.00/hr supervisory stipend.

Motion by Waterland, second by Bachand and carried with all members present voting yes to approve second reading of Ordinance 2014-05 – Title 3 – Licensing & Regulations of Alcohol, Malt Beverages and Drinking Establishments.

ORDINANCE 2014-05

AN ORDINANCE AMENDING TITLE 3– LICENSING AND REGULATION OF ALCOHOL, MALT BEVERAGES AND DRINKING ESTABLISHMENTS

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota that Title 3 Licensing and Regulations of Alcohol, Malt Beverages and Drinking Establishments – Chapter 3:02 – Licensing and Sales of Malt Beverages, Section 3.02.07: Limitation of One License per Location is amended to read as follows:

TITLE 3 LICENSING AND REGULATION OF ALCOHOL, MALT BEVERAGES AND DRINKING ESTABLISHMENTS

Chapters:

3.01: General Provisions

3.02: Licensing and Sales of Malt Beverages

3.03: Full Service, On Sale and Malt Beverage Restaurant License

3.04: Structure Requirements, On Sale Establishments

CHAPTER 3.02 LICENSING AND SALES OF ALCOHOL AND MALT BEVERAGES

SECTIONS:

3.02.01: License Required for Sale of Alcoholic or Malt Beverage

3.02.02: Wholesale License Fee

3.02.03: Submission of Invoices and Assessment of Fees

- 3.02.04: Delivery and Sale Required Within City
- 3.02.05: Consequences for Failure to Timely Pay City
- 3.02.06: Maintenance of Records and Inspection by Dealer
- 3.02.07: Limitation of One License per Location
- 3.02.08: Classification and Fees required for Alcoholic Beverage, Malt Beverage, Wine Licenses and Renewals
- 3.02.09: Special Event License Requirements
- 3.02.10: Consumption Only Permit
- 3.02.11: Hours of Operation
- 3.02.12: Authorized Number of On Sale Malt Beverage Licenses
- 3.02.13: Off or On Sale Sales on Sunday or Memorial Day Pursuant to Statute
- 3.02.14: Action by Council
- 3.02.15: Character Requirements for License
- 3.02.16: Area Limited
- 3.02.17: Kegs of Malt Beverage – Retail Sale – Records
- 3.02.18: Consuming, Blending, Possessing Alcoholic Beverages in Public Places – Disposal of Containers of Alcoholic Beverages Restricted
- 3.02.19: Open Containers Permitted Upon Approval
- 3.02.20: Weapons Prohibited on Premises Where Sold
- 3.02.21: Annual Review of Licenses
- 3.02.22: Annual Review of Applications
- 3.02.23: Sales with License Only
- 3.02.24: Additional Fee for Video Lottery Machine Holders
- 3.02.25: Traffic in Alcoholic Beverages Prohibited
- 3.02.26: Persons Under Twenty-One Barred from On-Sale Premises
- 3.02.27: Violation as Ground for Revocation or Suspension of License – Multiple Licenses

3.02.07: LIMITATION OF ONE LICENSE PER LOCATION

No person shall hold both an On-Sale Liquor Dealer's License, issued pursuant to SDCL 35-4-2 (4) and a Malt Beverage Retailer's License or Malt Beverage Package Dealer's License, issued pursuant to SDCL 35-4-2 (16) and (17), for the same location. However, a person holding a malt beverage manufactures license and an on-sale liquor license for the same premises, and open to the public at least 6 days a week for 11 months a year, may hold a malt beverage retailer license to sell for off-sale consumption of the malt beverage it manufactures, but only at the licensed premises at which the malt beverage is manufactured.

Dated this 3rd day of March, 2014.

First reading: 02-18-2014

Second reading: 03-03-2014

Adopted: 03-03-2014

Published: 03-12-2014

Effective: 04-02-2014

Motion by Potts, second by Bachand and carried with Anderson, Bachand, Bestgen, Johnston, Potts, Waterland and Vasknetz voting yes, Carstensen abstaining, to approve the State bid for a 2014 F-150 extended cab pickup for the Water Department from Scott Petersen Motors for \$24,481.

Waterland introduced the following written resolution and moved its adoption:

RESOLUTION 2014-16
RESOLUTION APPROVING PLAT

WHEREAS, the statutes of the State of South Dakota require that plats of property within the jurisdiction of the City of Sturgis be submitted to the governing body for approval before the same are recorded in the Office of the Register of Deeds; and

WHEREAS, the City of Sturgis Planning and Zoning have presented to the Common Council of the City of Sturgis a plat of the following described real property for Sturgis Healthcare LLC:

A PLAT OF LOT 17-A OF HURLEY SUBDIVISION FORMERLY LOTS 12,
13, 14, 15, 16 AND 17 OF HURLEY SUBDIVISION AND FORMERLY A
PORTION OF LOT A-2 OF HURLEY SUBDIVISION, LOCATED IN THE
SE1/4SW1/4 OF SECTION 9, T5N, R5E, BHM, CITY OF STURGIS, MEADE
COUNTY, SOUTH DAKOTA

WHEREAS, said plat meets the requirements of the statutes in all things, now therefore,

BE IT RESOLVED by the Common Council of the City of Sturgis, South Dakota, that the within and foregoing plat is hereby approved.

Dated this 3rd day of March, 2014.

Published: 03/12/2014

Effective: 04/02/2014

Johnston seconded the motion for the adoption of the foregoing resolution with all members present voting yes and the resolution was declared passed and adopted.

Motion by Johnston, second by Waterland and carried with all members present voting yes to approve the 2013 Financial Annual Report.

Motion by Potts, second by Vasknetz and carried with all members present voting yes to approve authorizing the City Manger to sign a contract with EPIC Outdoor Advertising.

Motion by Potts, second by Johnston and denied with Potts voting yes, Anderson, Bestgen, Bachand, Carstensen, Johnston, Vasknetz and Waterland voting no, to approve tabling first reading of Ordinance 2014-06 – Title 13 – Offenses and Regulations until the March 17, 2014 meeting and set up a meeting for those affected.

Motion by Bachand, second by Waterland and carried with Anderson, Bachand, Bestgen, Carstensen, Johnston, Potts and Waterland voting yes and Vasknetz voting no to approve first reading of Ordinance 2014-06 – Title 13 – Offenses and Regulations.

Motion by Johnston, second by Waterland and carried with all members present voting yes to approve the Development Agreement with Belle Joli Winery and authorize the City Manager to sign it.

Any other business:

David Fisher was advised to contact the City Manager about getting a 15 mph sign down by his house.

Councilor Vasknetz thanked the Parks Department and Public Works Department for taking care of the safety issue on the Bike Path.

Motion by Bachand, second by Waterland and carried with all members present voting yes to go into executive session for legal, personnel and contracts at 7.44 pm.

Motion by Bachand, second by Bestgen and carried with all members present voting yes to return to regular session at 9:12 pm.

Motion by Waterland, seconded by Johnston and carried with all members present voting yes to adjourn the meeting at 9:12 pm.

ATTEST: _____
Fay Bueno, Finance Officer

APPROVED _____
Mark Carstensen, Mayor

Published once at the total approximate cost of \$